



**MEETING MINUTES**  
**Regular Meeting of the Edina Planning Commission**  
**Wednesday, January 26, 2011, 7:00 PM**  
**Edina City Hall Council Chambers**

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**MEMBERS PRESENT:**

**Chair Mike Fischer, Jeff Carpenter, Julie Risser, Nancy Scherer, Kevin Staunton, Michael Schroeder, Steve Brown, Floyd Grabel, Arlene Forrest, Matt Rock and Melisa Stefanik**

**STAFF PRESENT:**

**Cary Teague, Kris Aaker and Jackie Hoogenakker**

**I. APPROVAL OF THE MINUTES:**

Commissioner Risser moved approval of the December 1, 2010, meeting minutes. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

**II. OLD BUSINESS:**

**Continued discussion on amendments to Edina Zoning Ordinance 850**

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Chair Fischer reported that the Zoning Ordinance Update Committee (ZOUC) continues its work and discussion on updating Edina's Zoning Ordinance 850, adding this evening the Commission would put closure to some of the past topics. Fisher said the first topic of business was the role of the Transportation Commission.

**Edina Transportation Commission (ETC)/Traffic/Parking Review**

Planner Teague briefed the Commission that the intent of the proposed recommendation to eliminate the Edina Transportation Commission from development review was to streamline the process. Continuing, Teague said that having only the Planning Commission and City Council review traffic and transportation issues on development projects made the most sense because both the Planning Commission and Council hold public hearings. Teague stated a "one stop" review process before each also eliminates confusion for both the applicant and the public. Planner Teague opened the discussion.

Chair Fischer acknowledged that this issue was discussed many times over the past months. Fischer said the initial recommendation of the ZOUC was to eliminate the ETC from development review; freeing them up to consider future transportation issues and

recommending that the Planning Commission and City Council be the bodies that review all development related transportation and traffic issues. Continuing, Fischer noted that this recommendation was placed “on hold” at the request of the ETC. Fisher reported after many discussions the initial recommendation went “full circle”. Fischer noted that at the last meeting of the ZOUC it was recommended that the ETC be eliminated from the development review process unless a specific referral was requested by city staff, Planning Commission or City Council. Concluding, Fischer also noted that the recommendation included providing the Chair of the ETC with a Planning Commission packet prior to each Commission meeting. Fischer asked for comments:

Commissioner Staunton stated he supports the proposed change, adding in his opinion it’s a good change. Staunton noted that the Planning Commission had experienced (on numerous occasions) times when questions from the public couldn’t be answered because the City Engineer and/or the developer’s traffic consultant were not present at the PC meeting. Staunton said in his opinion the proposed change also sends a clear signal to all that development review (on all levels) is heard by the Planning Commission and City Council at their respective public hearings. Staunton concluded that if the ETC was interested in a specific development proposal a member of the ETC would be more than welcome to attend the hearing(s).

#### **Motion**

**Commissioner Staunton moved to recommend that the Edina Transportation Commission be eliminated from the development review process unless a specific referral is requested by City Staff, Planning Commission or City Council. It was further recommended that the Chair of the Edina Transportation Commission be provided with the Planning Commission packet prior to each Planning Commission meeting. Commissioner Brown seconded the motion. All voted aye; motion carried.**

Chair Fischer reported that he spoke with the Chair of the ETC and she indicated to him that she was comfortable with the recommendation from the Planning Commission; however, could not speak for the entire ETC; some members continue to want to review development proposals. Continuing, Fischer said the ETC Chair expressed to him the need for the criteria a developer is required to follow be clear and easily accessible to ensure that the developer’s transportation consultant follows City guidelines on all transportation/traffic development issues (Traffic Impact Analysis). Concluding Fischer reported in the past the Planning Commission and City Council were the bodies that reviewed all transportation and traffic issues, but when the ETC was formed that review was forwarded to them; now the recommendation is to come back to the Commission and Council for their review bringing it “full circle”.

Commissioner Carpenter suggested that the Planning Commission be provided with a copy of the traffic impact analysis guidelines. Planner Teague responded he would look into that.

## **Variance process**

Planner Teague said at the last ZOUC meeting members discussed a number of options on how to address the Zoning Board of Appeals. Teague noted that past ordinance changes would impact the number of variances heard on both the commercial and residential level; however those changes are recent, adding it's too early to realize their impact. Continuing, Teague said at their last ZOUC meeting the committee recommended that the process continue "as is", reiterating that this "waiting period" would provide the time to see if the recent ordinance changes worked as hoped. Teague also said that the ZOUC acknowledged that until the court addresses the recent legislative action on variances (Krumenacher) this may not be the best time to alter the way the City handles variances.

Chair Fischer said the continuing discussion on revising and/or eliminating the Zoning Board of Appeals (ZBA) resulted in three options;

1. Dissolve the current ZBA; the Planning Commission becomes the ZBA, and all variances are reviewed by the Planning Commission. This could require the Planning Commission to meet twice per month to keep up with the volume of work generated by variance requests.
2. Suggest that the City Council act as the ZBA; retain the current ZBA panels on residential variances; have their recommendation forwarded to the City Council and placed on the consent agenda.
3. Continue the current process, noting the impact of the adoption of the PUD process

Continuing, Chair Fischer acknowledged that presently there are many "balls" in the air (PUD process, zoning ordinance changes, Krumenacher case) and the question could be raised if this was the right time to tamper with the ZBA, adding in some ways it's the best time, and in some ways it's not.

A discussion ensued with the following points made:

- An idea that was floated earlier would be to continue the ZBA as is for residential variances, but variances required for larger projects would come before the Planning Commission for approval/denial. Acknowledge that the City attorney was uncomfortable with two zoning boards of appeals; one for residential, one for commercial.
- Acknowledge that the City Attorney had expressed discomfort with the current rotating zoning board(s); noting state statute talks about one singular board. Currently all Planning Commissioners are members of the ZBA; but the ZBA also includes six appointed members that only hear variance requests.
- Different rotating boards can present the appearance of inconsistency and "board shopping". Consistency would be maintained if the Planning Commission was appointed as the ZBA. Acknowledge that currently all PC members are ZBA

members and are very familiar with the variance process, noting also that the ordinance has an automatic appeals process to the City Council.

- If the Planning Commission and/or City Council become the Zoning Board of Appeals the meetings would be televised; which again would promote transparency.
- More continuity with one ZBA. The same people would hear all variances both residential and commercial. Cleaner clearer process.
- Have the City Council be the ZBA, pointing out that the current ordinance automatically appeals commercial variances to the City Council and residential variances also have an appeal option. In this scenario residential variances could continue to be heard by ZBA panels with their recommendation(s) forwarded to the City Council for their approval as a consent item on the agenda. Placing residential variances on the consent agenda provides the Council leeway to “pull” items off the consent agenda if they need further clarification or are controversial.
- Acknowledge when the Krumenacher case is resolved there was the potential (if the Planning Commission becomes the ZBA) that the Commission would need to hold two meetings per month. This isn’t much different for Commissioners because of the Planning Commission currently meets twice monthly; one being a work session.
- Would recommending that the City Council become the ZBA overburden the Council agendas?
- Acknowledge the hesitation to have residential variances televised; the present rotating ZBA is less formal and less intimidating for residents.

Commissioner Carpenter suggested that the Commission not rush into a final decision on eliminating the ZBA when so much is up in the air, pointing out that at this time no one knows how the recent ordinance changes to curb massing are going to play out.

Commissioner Brown said in his opinion having the Planning Commission as the ZBA makes the most sense. It ensures transparency, adding everything would be “up front”. Brown noted that the appeal process is built into the ordinance providing an applicant another step if the ZBA were to deny a variance request.

The discussion ensued with Commissioners agreeing that the best way to serve the City and its residents in a more open clear manner would be for the Planning Commission to assume the role of the Zoning Board of Appeals. Commissioners agreed that a process needs to be developed; suggesting the following:

- Dissolve the present Zoning Board of Appeals and have the Planning Commission become the Zoning Board of Appeals. At this time because of the reduction in variances as a result of the Krumenacher case the Commission would continue to meet once per month.
- Acknowledge the possibility that if/when the Krumenacher case is resolved that the Planning Commission would meet twice monthly. Further discussion on the

time frame within the agenda when the residential variances would be heard requires further discussion.

### **Motion**

**Commissioner Staunton moved to recommend that the Planning Commission act as the Zoning Board of Appeals eliminating the existing rotating panels and continuing the automatic appeal to the City Council. Commissioner Grabel seconded the motion. All voted aye; motion carried.**

### **Role of the Energy and Environment Commission (EEC)**

Chair Fischer noted there had been a number of discussions on this topic, adding the consensus was that it was not beneficial for the Energy and Environment Commission to play an active role in the development review process. Fisher said at this time the EEC chair receives a Planning Commission packet prior to PC meetings.

### **Motion**

**Commissioner Carpenter moved to recommend that the Energy and Environment Commission play no active role in the development process. Commissioner Scherer seconded the motion. All voted aye; motion carried.**

### **Heritage Preservation Board (HPB)**

Planner Teague said past discussions had occurred on “who hears it first”; HPB or ZBA when a Certificate of Appropriateness (COA) and variance was simultaneously required. Teague said past discussions indicated that the Planning Commission believes the HPB should hear the Certificate of Appropriateness first and forward their comments and findings to the Zoning Board of Appeals for their action. It was acknowledged that changes to the COA could occur as the result of variance findings; however any changes at the variance level could be brought back to the HPB for further review. Teague said another issue that was brought up by the HPB was the impact within the Country Club District from recent ordinance changes to address massing. Teague said as the result of those changes the inability to build a Colonial style home in the Country Club District became apparent. Teague said further discussion on side yard setbacks need to be addressed at a future meeting of the ZOUC and Planning Commission.

Chair Fischer asked for a motion.

### **Motion**

**Commissioner Scherer moved to recommend when a project requires both a Certificate of Appropriateness and variance that the Heritage Preservation Board hears the COA first and forwards their findings to the Zoning Board of Appeals. Commissioner Risser seconded the motion. All voted aye; motion carried.**

## **Public Hearings**

Chair Fischer asked Planner Teague to share his findings on the public hearing process from his talk with Roger Knutson, City Attorney .

Planner Teague said at a number of ZOUC meetings Commissioners expressed the opinion that there was only one public hearing on development issues; and that hearing should be before the Planning Commission. Teague said he spoke with Mr. Knutson and they discussed the benefits of one public hearing and together outlined the following possible benefits:

1. One public hearing streamlines the process/reducing confusion.
2. It is imperative that all evidence be presented at the public hearing. If there is one public hearing and that hearing is before the Planning Commission it would ensure that the Planning Commission receives the same information received by the City Council to make their decision(s).
3. One public hearing better addresses the 60-day rule.
4. Multiple public hearings create the possibility for mistakes in publishing deadlines, continuances, mailing notices, etc.
5. Acknowledge that there is a cost associated with two public hearings; mailings, published notices and other issues.
6. The City Council would continue to take public testimony; in no way does having the Planning Commission hold the official public hearing limit public input at the Council level.
7. Length of the City Council meetings could be reduced.

Commissioner Staunton asked Planner Teague if Roger Knutson had expressed a preference on if the public hearing could be “left open” between the Planning Commission and Council meetings. Planner Teague responded that Knutson didn’t express any preference, adding Knutson stated that all testimony becomes part of the official record, regardless of who/where how many public hearings are held.

Commissioner Brown stated he is a staunch supporter of one public hearing; suggesting that the public hearing should be before the Planning Commission. Brown said in his opinion the Planning Commission should do the “heavy lifting”. Continuing, Brown said this would take discipline; however, would ensure that everyone (developers & residents) places everything on the table at the PC hearing, and not save their “ammunition” for the last meeting (Council). The Planning Commission would then forward their findings to the City Council for their review and approval or denial.

A discussion ensued with Commissioners acknowledging that at times it feels like the Planning Commission is the “practice run”, pointing out there are many times when the Planning Commission doesn’t receive the same information the Council receives. The consensus of the Commission was to recommend that the Planning Commission hold the public hearing and forward their findings to the City Council.

### **Motion**

**Commissioner Brown moved to recommend that the City Council be eliminated from holding the public hearing on development projects and that one public hearing on development issues be held at the Planning Commission level. Commissioner Grabel seconded the motion. All voted aye; motion carried.**

### **Developer Meetings**

Chair Fischer stated this topic has been addressed through ordinance changes, adding the recommendation was to keep the ordinance as is. Fischer asked for a motion:

### **Motion**

**Commissioner Carpenter moved to recommend that the ordinance stand as written; no action to change it. Commissioner Risser seconded the motion. All voted aye; motion carried.**

### **III. COMMUNITY COMMENT:**

None.

### **IV. INTERGOVERNMENTAL BUSINESS:**

Chair Fischer acknowledged back of packet materials and asked liaisons if they had any information from their boards/commissions they would like to share.

Commissioner Risser said the Energy and Environment Commission (EEC) recently established a new “working group”, adding this new group will focus on air quality. Risser said the EEC now has five working groups; solid waste, earth, sustainability, energy and air.

Chair Fischer reported that the City Council recently eliminated board/commission liaisons, adding that in the future he envisions more subgroups or working groups branching out from the various boards/commissions.

Chair Fischer reminded the Commission of the following meeting dates; February 9 – Zoning Ordinance Update Committee meeting and February 23<sup>rd</sup>, Planning Commission meeting.

Commissioner Staunton reported that the Grandview Small Area Plan was approved granting the City a \$100,000 grant for the study.

Chair Fischer stated that Steve Brown and Julie Risser will no longer be serving on the Planning Commission and asked them if they have any comments on their role as Commissioners or projects they are proud of.

Commissioner Risser thanked the Commission and City for the opportunity to serve, adding one of the issues she was proud to resolve was driveway width, adding the removal of the width standard now enables City residents to (that previously haven't been able to do so) construct a garage. Risser said this change also benefits the City's groundwater which is an improvement for all Edina. Concluding, Risser said she was also proud of adding a chapter in the Comprehensive Plan on the environment.

Commissioner Brown said there's no specific project he can name; however, the process of the Planning Commission and Zoning Board was most enjoyable, adding he was fortunate to work with such great people. Brown said he feels he was leaving the Commission in good hands, reiterating that he enjoyed every minute of serving on the Planning Commission; and frankly wished there were no term limits. Concluding, Brown said the recent changes made to the ordinance clarifying the development process benefit not only the Commission but developers and residents as well. Brown said in the future he sees a number of interesting projects for the Commission to deal with.

Commissioners Risser and Brown again stated they loved working with everyone, loved serving the City as representatives of the Planning Commission, Zoning Board and as liaisons to other boards and commissions and would miss everyone.

## **V. ADJOURNMENT**

**Commissioner Carpenter moved adjournment at 8:20 pm. Commissioner Brown seconded the motion. All voted aye; motion carried.**

**Respectively submitted**

***Jackie Hoogenakker***